



MARYLAND HEALTH CARE COMMISSION

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July 16, 2020

By E-Mail

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Re: Motion Regarding Data; Conditional Motion to Stay; Closing of Record
Application of Suburban Hospital, Inc. to Establish Liver Transplant Services
Docket No. 17-15-2400

Dear Counsel:

Two motions are pending in my review of the application of Suburban Hospital, Inc. for a Certificate of Need to establish liver transplantation services. By this letter, I rule on each of the pending motions and also set a date for the closing of the record in this review.

MedStar Georgetown University Hospital’s Motion to Submit Additional Data and Set a Briefing Schedule

I have considered the motion by MedStar Georgetown University Hospital (Georgetown) to submit additional data and set briefing schedule in this review. Because I agree with the rationale behind the motion, I will enter more recent data directly into the record of the review. I do not desire any filings by the parties regarding their analysis of the data. Thus, I deny the motion.

I am entering into the record of the review and may use in my Recommended Decision data from the following sources:

(1) **Organ Procurement and Transplantation Network (OPTN), various years - CY2019.** This data is available at: <https://optn.transplant.hrsa.gov/data/view-data-reports/>. A spreadsheet containing downloaded data is attached. This data includes: liver transplant volume and characteristics; donor volume and characteristics; and waitlist volume and characteristics.

(2) **United Network for Organ Sharing (UNOS)/OPTN, CY 2013-2018.** The attached spreadsheet contains data that reflects transplant type by region, residence of recipient, and ethnicity of transplant recipient for Maryland and the District of Columbia Regions.

(3) **Scientific Registry of Transplant Recipients (SRTR), Bi-annual Organ Procurement Organization (OPO) Reports.** Data for June 2015-January 2020 is available at: <https://www.srtr.org/reports-tools/opo-specific-reports/opo?code=MDPC> (for the Living Legacy Foundation OPO); and <https://www.srtr.org/reports-tools/opo-specific-reports/opo?code=DCTC> (for the Washington Regional Transplant Community OPO).

SRTR OPO-Specific Reports, The Living Legacy Foundation of Maryland

Release Date: June 16, 2015
Release Date: December 16, 2015
Release Date: June 16, 2016
Release Date: January 5, 2017
Release Date: July 6, 2017
Release Date: January 5, 2018
Release Date: August 9, 2018
Release Date: January 7, 2019
Release Date: July 8, 2019
Release Date: January 7, 2020

SRTR OPO-Specific Reports, Washington Regional Transplant Community

Release Date: June 16, 2015
Release Date: December 16, 2015
Release Date: June 16, 2016
Release Date: January 5, 2017
Release Date: July 6, 2017
Release Date: January 5, 2018
Release Date: August 9, 2018
Release Date: January 7, 2019
Release Date: July 8, 2019
Release Date: January 7, 2020

(4) **SRTR Bi-annual Program-Specific Reports.** Data can be accessed at: <https://www.srtr.org/reports-tools/program-specific-reports>. For current reports, click “Find and Compare Transplant Programs,” choose “Liver,” and then the program name (such as Georgetown, Johns Hopkins Hospital, University of Maryland Medical Center). You can view and download each Complete Report (PDF). Archived program reports are available at: <https://www.srtr.org/reports-tools/program-specific-reports/>, where you should scroll to bottom of page, and download reports for July 2015-July 2019. For these earlier reports, you must download all reports for all programs and organs across the U.S. The program-specific reports that I am entering into the record are:

SRTR Program-Specific Reports for U.S. Transplant Centers, Transplant Program (Organ): Liver

Release Date: June 16, 2015

Release Date: December 16, 2015

Release Date: June 16, 2016

Release Date: January 5, 2017

Release Date: July 6, 2017

Release Date: January 5, 2018

Release Date: October 9, 2018

Release Date: January 7, 2019

Release Date: July 8, 2019

Release Date: January 7, 2020

Please note, together, that the two types of SRTR reports contain: service area profile information; transplant volume; transplant rates; transplant recipient characteristics; donation volume; donation rates; donor characteristics; waiting list activity; and characteristics of waiting list candidates. Commission staff will download the listed reports to a disk for inclusion in the record.

(5) **Population.** See attached data tables, which are based on the following sources, which will be printed for inclusion into the record or downloaded on a disk for inclusion in the record:

(a) Five-Year Incremental Population Estimates for Maryland Jurisdictions, 2010-2045, Maryland Department of Planning, Projections and State Data Center, (revised August 2017);

(b) Intercensal Estimates for Virginia, Counties, and Cities: 2010-2019, Weldon Cooper Center for Public Service, Demographics Research Group (published January 27, 2020); and

(c) Population, Population Change, and Estimated Components of Population Change: April 1, 2010 to July 1, 2019 (NST-EST2019-alldata), U.S. Census Bureau, Population Division (release date: December 2019).

MedStar Franklin Square Medical Center’s Conditional Motion For Stay [of This Review].

I have recognized Georgetown, part of the MedStar Health System, as an interested party in this review. MedStar Franklin Square Medical Center (Franklin Square), also part of MedStar Health, is not a party to this review. Nonetheless, it filed the above motion, noting a filing by the University of Maryland Medical Center (UMMC) in the review of its CON applications to establish liver and kidney transplant services (Docket Nos. 17-03-2405, 17-03-2406). UMMC’s motion which seeks to stay the review of those applications because of changes in the system for allocation and distribution of organs for transplant. Franklin Square’s conditional motion in this review seeks to stay this review if UMMC’s motion is granted in those reviews. I note that I am satisfied that I have information necessary to complete this review and, thus, deny Franklin Square’s motion.

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Closure of the Record of the Review

I hereby advise the parties that, at 4:30 p.m. on July 24, 2020, the record in this review will be closed to the filing of additional correspondence or material, unless I specifically request such filings in advance. I note that I do not desire any analysis by the parties of the data described in this letter ruling that I am entering into the record.

I remind the parties that this is a contested case and that the *ex parte* prohibitions in the Administrative Procedure Act, Maryland Code Ann., State Gov’t §10-219, apply to this proceeding until the Commission issues a final decision.

Sincerely

A handwritten signature in black ink, appearing to read 'M. Rymer', with a stylized, cursive script.

Martha G. Rymer
Commissioner/Reviewer

attachments

cc: Paul Parker, Director, Center for Health Care Facilities Planning and Development
Kevin McDonald, Chief, Certificate of Need
Suellen Wideman, Senior Assistant Attorney General
Suzan C. Lowry, M.D., FAAP, Charles County Health Officer
Travis A. Gayles, M.D., Ph.D., Montgomery County Health Officer
Ernest L. Carter, M.D., Ph.D., Prince George’s County Health Officer